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In re Gynelab Products, Inc.  
U.S. Patent No. 5,105,808

: DISMISSAL OF PATENT  
: TERM EXTENSION  
: APPLICATION

An application for patent term extension of U.S. Patent No. 5,105,808 based upon the medical device ThermaChoice™ was filed by Gynelab Products, Inc. in the Patent and Trademark Office on February 6, 1998. An application for patent term extension of U.S. Patent No. 4,949,718, based upon the same product, was also filed on June 11, 1997.

On May 31, 2000, the PTO mailed a Notice of Final Determination in both of the above-noted applications stating that both patents qualify for patent term extension but for the fact that 35 U.S.C. § 156(c)(4), only one patent may be extended for the same regulatory review period for a product. Applicant was given a period of one-month to elect the patent for which term extension is desired.

On June 30, 2000, applicant filed a paper electing to have the term of U.S. Patent No. 4,949,718 extended. Accordingly, the application for patent term extension of the term of U.S. Patent No. 5,105,808 is dismissed under 35 U.S.C. 156(c)(4).

Telephone inquiries regarding this communication should be directed to the undersigned at (703)306-3159.

Karin Tyson  
Senior Legal Advisor  
Special Program Law Office  
Office of the Deputy Assistant Commissioner  
for Patent Policy and Projects

cc: David T. Read  
Acting Director Regulatory Policy Staff, CDER  
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RE: ThermaChoice™  
FDA Docket No.: 98E-0850